

OFFICIAL COPY

Fresno, California

February 27, 2001

The City Council met in joint session with the Redevelopment Agency at the hour of 8:15 a.m., and thereafter in regular session, in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember (arrived later)
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember (arrived later)
	Dan Ronquillo	Acting President (arrived later)
	Henry Perea	Council President

Andy Souza, Interim City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(9:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF FEBRUARY 13, 2001

The Agency minutes of February 13th were approved as submitted.

ADOPT AGENCY CONSENT CALENDAR:

(“A”) APPROVE PURCHASE AGREEMENT TO ACQUIRE A 18,800 QUARE FOOT PROPERTY WITHIN THE ROEDING INDUSTRIAL PARK FOR WATER WELL PURPOSES FROM MARTINA KING FOR THE APPRAISED MARKET VALUE OF \$13,000; AND AUTHORIZE THE EXECUTIVE DIRECTOR/ADMINISTRATOR TO EXECUTE THE DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

(“B”) APPROVE AMENDMENT NO. 1 TO THE LEASE AGREEMENT (WITH RIGHT TO ACQUIRE) AND MEMORANDUM OF LEASE FOR THE KEARNEY PALMS POLICE SUBSTATION, AND RATIFY THE LEASE TERM COMMENCEMENT (RECOGNIZING AND RATIFYING THE CITY’S EARLY POSSESSION AND EARLIER LEASE COMMENCEMENT DATE)

(“C”) APPROVE EXTENSION OF EMPLOYMENT AGREEMENT TO 4/18/02, WITH DANIEL FITZPATRICK AS EXECUTIVE DIRECTOR OF THE REDEVELOPMENT AGENCY, AND APPROVE A 3% SALARY INCREASE

On motion of President Perea, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Perea
Noes	:	None
Absent	:	Calhoun, Quintero, Ronquillo

(“D”) HEARING REGARDING THE PROPOSED OWNER PARTICIPATION AGREEMENT (OPA) AND DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BETWEEN THE AGENCY AND LONZELL AND LAVERA WILLIAMS FOR PROPERTY LOCATED AT THE NORTHEASTERLY CORNER OF FRESNO AND “A” STREETS (COUNCIL AND AGENCY ACTION - REQUEST TO CONTINUE TO 3/27/01, AT 8:30 A.M.)

On motion of President Perea, seconded by Councilmember Castillo, duly carried, RESOLVED, the hearing on the OPA and DDA between the Agency and the Williams’ continued as requested to March 27, 2001, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Perea
Noes	:	None
Absent	:	Calhoun, Quintero, Ronquillo

(“E”) AGENCY RESOLUTION NO. 1578 - APPROVING A REPLACEMENT HOUSING PLAN RELATING TO THE REGIONAL MEDICAL CENTER PHASE II PROJECT IN THE JEFFERSON REDEVELOPMENT PROJECT AREA AND THE PROPOSED LAVERA’S INFANT NURSERY AND DAY CARE SCHOOL PROJECT IN THE SOUTHWEST FRESNO GNRA REDEVELOPMENT PROJECT AREA *(AGENCY ACTION)*

Councilmember Calhoun arrived at 8:16 a.m.

On motion of Councilmember Castillo, seconded by President Perea, duly carried, RESOLVED, the above entitled Agency Resolution No. 1578 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
Noes	:	None
Absent	:	Quintero, Ronquillo

(“F”) AUTHORIZE THE AGENCY DIRECTOR/DESIGNEE TO NEGOTIATE AND ENTER INTO REAL PROPERTY PURCHASE AGREEMENTS FOR 40 PROPERTIES WITHIN PHASE II OF THE COMMUNITY MEDICAL CENTER (CMC) EXPANSION, AND CONVEY THE PURCHASED PROPERTIES TO CMC ON TERMS PROVIDED IN THE DISPOSITION AND DEVELOPMENT AGREEMENT (DDA)

A motion was made to approve staff’s recommendation. Councilmember Calhoun recused himself from the proceedings due to a potential conflict of interest and left the meeting at 8:17 a.m. Redevelopment Administrator Murphey clarified issues and responded to questions relative to negotiating the purchase price and if the subject properties were part of the UCSF Medical Center project whose funding was in jeopardy.

On motion of Councilmember Castillo, seconded by President Perea, duly carried, RESOLVED, the Agency Director or Administrator authorized to: (1) negotiate and enter into real property purchase and sale agreements, substantially in the form contained in the staff report, after deleting Section 9, the environmental indemnity, for the 40 designated properties within Phase II of the Community Medical Center (CMC) Expansion, subject to the following: (a) agreements may be executed only after the Agency Board adopts a replacement housing plan and statutory 30 days have elapsed; (b) the purchase price for each of the 40 properties is within the price range set forth in the table contained in the staff report; (c) as to the additional 11 properties, the Agency has received/appropriated funding; and (d) the City Attorney approves each agreement as to form; and (2) convey the purchased properties to CMC, subject to the purchase price, deed restrictions, and other terms contained in the DDA between the Agency, City and CMC, and to execute the documents necessary for the conveyance including, without limitation, escrow instructions and deeds, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Perea
Noes	:	None
Absent	:	Calhoun, Quintero, Ronquillo

AGENCY UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT, 944 “F” STREET, REGARDING THE REDEVELOPMENT AGENCY, THE SOUTHWEST FRESNO AREA, AND MERGER AREAS 1, 2 AND 3

Appearance made; no action taken.

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The joint bodies adjourned at 8:21 a.m. and the City Council convened in regular session at 9:01 a.m. with all members present.

Father Patrick McCormick, St. Mary’s Catholic Church, gave the invocation, and Councilmember Duncan led the Pledge of Allegiance to the Flag.

PRESENTATION OF LATENT PRINT PINS BY POLICE CHIEF WINCHESTER

Laid over one week.

PROCLAMATION OF “STEVENS BICYCLES DAY” - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF “YOUTH APPRECIATION WEEK”

PRESENTATION BY MARK SCOZZARI, REPRESENTING RALPH’S GROCERY COMPANY, OF DONATIONS TO POLICE CHIEF WINCHESTER FOR POLICE AND NEIGHBORHOOD WATCH ASSOCIATIONS AND CRIME STOPPERS - COUNCILMEMBER QUINTERO

1. (ADD-ON) PROCLAMATION OF “RALPH’S FOOD STORE DAY”

PROCLAMATION OF “TREE FRESNO DAY” - COUNCILMEMBER CALHOUN

The above presentations and proclamations were read and presented.

RESOLUTION NO. 01-55 - SUPPORTING THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT’S DEVELOPMENT OF A RECREATIONAL FACILITY FOR THE PHYSICALLY CHALLENGED ON THE SOUTH SIDE OF HUNTINGTON BOULEVARD

Briefly reviewed by Councilmember Quintero and FMFCD Director Harrison who stated the facility would be bigger and better than Oso de Oro park. Councilmember Quintero commended the District Board for all their work on the project and President Perea commended Councilmember Quintero for all his work in District 5 stating good things were happening there.

On motion of Councilmember Quintero, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution No. 01-55 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

RESOLUTION NO. 01-56 - A RESOLUTION OF THE CITY COUNCIL TO THE PRESIDENT OF THE UNITED STATES AND OFFICE OF MANAGEMENT AND BUDGET (OMB) IN SUPPORT OF THE DOWNTOWN FEDERAL COURTHOUSE PROJECT IN FRESNO - MAYOR AUTRY, PRESIDENT PEREA AND COUNCILMEMBER CALHOUN

Reviewed by Councilmember Calhoun who stated Fresno was growing and would continue to do so and stressed the federal courthouse was desperately needed to replace the aging one. Councilmember Ronquillo stated the site was assembled and everything was prepared to move forward and along with President Perea commended Councilmember Calhoun for his leadership.

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-56 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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APPROVE MINUTES OF FEBRUARY 13, 2001

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of February 13th approved as submitted.

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APPROVE AGENDA:

**(3B) AWARD A CONTRACT FOR STRUCTURAL STEEL FOR THE DOWNTOWN SPORTS STADIUM
(CONSIDER AGAIN LATER)**

Councilmember Duncan recommended the item be continued to Friday, March 2nd due to the amount of information and untimely receipt. Discussion ensued on dates to continue the matter to and ability to have key staff present. A motion and second was made to continue the matter to March 2nd with the time to be set later. **(2 - 0)** Discussion ensued on why the matter could not be heard this date as scheduled with City Attorney Montoy clarifying reasons for the request to continue and advised staff was prepared if Council wanted to act this date. Councilmembers Ronquillo, Boyajian and Castillo spoke in support of hearing the matter as scheduled and brief discussion ensued on continuing the matter to later in the afternoon to allow Councilmembers who had questions to talk with staff in the interim. Councilmember Calhoun spoke in opposition stating Council needed to conduct the proper due-diligence and he was not prepared to vote on the issue this date.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, **RESOLVED, Item 3B** continued to 3:30 pm. #2 this date, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

* Visiting Computech students were recognized and welcomed.

COMMENDATION TO COUNCILMEMBER CALHOUN FOR TAKING THE LEAD ON SUMMIT WITH CONGRESSMEN DOOLEY AND RADANOVICH - PRESIDENT PEREA

Commendation made.

LEGISLATION BY ASSEMBLYMAN BRIGGS AND REQUEST FOR COUNCIL EDUCATION COMMITTEE TO FORMULATE A POSITION ON MAYORAL APPOINTMENT OF TWO (2) ADDITIONAL SCHOOL BOARD MEMBERS - PRESIDENT PEREA

President Perea expressed concern that Assemblyman Briggs did not confer with Council or Fresno Unified prior to introducing the legislation and requested the committee formulate a position.

On motion of Councilmember Castillo, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-1) APPROVE AMENDMENT TO THE AGREEMENT WITH TABLE MOUNTAIN RANCHERIA FOR THE SALE, REMOVAL AND MAINTENANCE OF THE FORT MILLER BLOCKHOUSE, EXTENDING THE TIME TO COMPLETE THE RESTORATION FROM FEBRUARY 28, 2001, TO FEBRUARY 28, 2003

(1A-3) REJECT ALL BIDS FOR A REQUIREMENTS CONTRACT FOR ORNAMENTAL STREETLIGHT POLES AND CAPITOLS, AND DIRECT STAFF TO REVIEW THE SPECIFICATIONS, REVISE AS NECESSARY, AND REBID THE PROJECT

(1A-4) * **RESOLUTION NO. 01-57** - 104TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$170,000 TO COMPLETE TRAFFIC SIGNAL MODIFICATIONS AT THE INTERSECTION OF MILLBROOK/TEAGUE AND AT ALLUVIAL/FIRST WITHIN THE URBAN GROWTH MANAGEMENT AREA

(1A-5) **RESOLUTION NO. 01-58** - APPROVING THE SUMMARY VACATION OF BUSH AVENUE SOUTH OF PINE AVENUE

(1A-7) APPROVE SUBSTITUTION OF HERITAGE BOMAINITE FOR CARLTON CONCRETE AS MICROTOP CEMENTITIOUS SURFACING SUBCONTRACTOR ON THE MULTI-CULTURAL CORRIDOR PROJECT

(1A-10) APPROVE LICENSE AGREEMENT WITH EXECUTIVE CATERING FOR FOOD CONCESSIONS AT THE CHAFFEE ZOOLOGICAL GARDENS, AND AUTHORIZE THE PARKS AND RECREATION DIRECTOR/DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

(1A-9) ADOPT MEMORANDUMS OF UNDERSTANDING (MOU) WITH INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF), NON-MANAGEMENT FIRE UNIT 5, AND FIRE MANAGEMENT UNIT 10

1. * **RESOLUTION NO. 01-59** - 11TH AMENDMENT TO SALARY RES. 2000-186 AMENDING EXHIBIT 2, SECTION 2.2 AND EXHIBIT 5

2. * **RESOLUTION NO. 01-60** - 12TH AMENDMENT TO SALARY RES. 2000-186 AMENDING SECTION 2(L)2 AND EXHIBIT 2

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the MOU's with IAFF Non-Management Fire Unit 5 and Fire Management Unit 10 hereby adopted, and the above entitled Resolution Nos. 01-59 and 01-60 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	None

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CONTESTED CONSENT CALENDAR ITEMS:

(1A-2) * RESOLUTION NO. 01-61 - 377TH AMENDMENT TO MFS RES. 80-420 AMENDING THE FEE CHARGED FOR CERTAIN POLICE REPORTS TO COMPLY WITH GOVERNMENT CODE SECTION 6253(b) AND ELIMINATE CHANCES FOR LITIGATION

Upon question of Councilmember Calhoun, Chief Winchester stated the reason for not charging a fee for 0-10 pages was it cost more in staff time to copy reports and process the receipt.

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-61 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

(1A-8) * RESOLUTION NO. 01-62 - 16th AMENDMENT TO PAR 2000-184 CONVERTING ONE SENIOR ANALYST POSITION TO TWO (2) JOURNEY LEVEL POSITIONS IN THE DEPARTMENT OF ADMINISTRATIVE SERVICES

Acting Administrative Services Director Gargiulo responded to questions of President Perea relative to the budgeted position, cost for one analyst, and funding source for increased costs next fiscal year. President Perea stated a tough upcoming budget was expected and elimination of positions was a possibility. Interim City Manager Souza further clarified the issue and what was found in analyzing the departments' needs and added he shared President Perea's concerns.

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-62 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

(1B-1) * BILL NO. B-22 - TEXT AMENDMENT NO. TA-00-06 - AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND RELATED ENVIRONMENTAL FINDINGS PROPOSING TO CHANGE THE LANGUAGE IN SECTIONS 12-321-A AND 12-321-B RELATIVE TO MID-RISE AND HIGH-RISE BUILDINGS TO MATCH THE LANGUAGE OF A CONCURRENT AMENDMENT TO THE 1984 FRESNO GENERAL PLAN

Upon an earlier question of Councilmember Calhoun, Planning Manager Beach reviewed the issue and advised the actual text being proposed was contained in Council's packet.

Barbara Hunt, 944 "F" Street, spoke to the issue.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-22 introduced before the Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(10:00 A.M. #1) HEARING ON REZONING APPLICATION NO. R-00-39 AND ENVIRONMENTAL FINDINGS, FILED BY CAP INVESTORS, PROPERTY LOCATED AT 3733 W. SHAW AVENUE

1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT (E.A.) NO. R-00-39

2. BILL NO. B-23 - ORDINANCE NO. 01-19 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-3/BA-20/CZ TO C-3/BA-20/CZ

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Koo reviewed the staff report as submitted.

Jim Shaffer, 516 W. Shaw, representing the applicant, gave a brief overview of the project.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by President Perea, duly carried, **RESOLVED**, the finding of “No Possibility of Significant Adverse Effects” issued for E.A. No. R-00-39 hereby accepted, and the above entitled Bill No. B-23 adopted as Ordinance No.01-19, subject to zoning conditions that the property shall be developed with land uses consistent with the C-2 zone district and that the property shall be developed in substantial conformance with site plan approved under Cup No. C-98-88 (Exhibit D of the staff report), with the exception of the multi-screen theater and the square footage limitation, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(10:00 A.M. #2) CONTINUED HEARING ON PLAN AMENDMENT NO. A-00-15, REZONING APPLICATION NO. R-00-33, AND ENVIRONMENTAL FINDINGS, FILED BY RALPH LOVELACE, PROPERTY LOCATED ON THE NORTHWEST CORNER OF S. WEST AVENUE AND W. KEARNEY BOULEVARD

a. CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-00-15, R-00-33 DATED NOVEMBER 2, 2000

b. RESOLUTION NO. 01-63 - AMENDING THE EDISON COMMUNITY PLAN

c. BILL NO. B-24 - ORDINANCE NO. 01-20 - AMENDING THE FRESNO - CHANDLER DOWNTOWN AIRPORT MASTER AND ENVIRONS SPECIFIC PLAN TO CHANGE THE PLANNED USE DESIGNATION OF PROPERTY LOCATED THEREIN FROM LOW DENSITY RESIDENTIAL TO MEDIUM LOW DENSITY RESIDENTIAL

d. BILL NO. B-25 - ORDINANCE NO. 01-21- AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2-A TO R-1-C/cz

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Beedle gave a brief overview of the issue and recommended approval with conditions outlined in the staff report.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmembers Ronquillo and Boyajian commended and thanked Mr. Lovelace for investing in the area.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Negative Declaration for E.A. A-00-15, R-00-33, dated November 2, 2000, hereby adopted, the above entitled Resolution No. 01-63 adopted, and the above entitled Bill Nos. B-24 and B-25 adopted as Ordinance Nos.01-20 and 01-21 respectively, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:15 A.M.) HEARING ON REZONING APPLICATION NO. R-00-49 AND ENVIRONMENTAL FINDINGS, FILED BY FRANCISCO MAYO, PROPERTY LOCATED ON THE NORTH SIDE OF E. CLAY BETWEEN N. BLACKSTONE AND N. FRESNO STREET

1. CONSIDER AND ADOPT THE CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. A-00-49

2. BILL NO. B-26 - ORDINANCE NO. 01-22 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2 TO C-6

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Koo briefly reviewed the staff report as submitted and a motion and second was made to approve staff’s recommendation.

Mr. Koo and Planning Manager Beach clarified issues and responded to questions of President Perea relative to purpose of the rezone, why the non-complying business was allowed to operate for so long, other permitted uses, and the upcoming CUP process.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the categorical exemption for Environmental Assessment No. R-00-49 hereby accepted, and the above entitled Bill No. B-26 reclassifying the subject property, subject to a zoning condition that the applicant shall secure a mixed-use conditional use permit for the intended residential and non-residential uses, adopted as Ordinance No. 01-22, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5A) APPROVE APPOINTMENT OF MICHAEL GUIDRY TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER DUNCAN

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, Michael Guidry appointed to the Human Relations Commission, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5B) DIRECT STAFF, INCLUDING THE CITY ATTORNEY, TO PREPARE AN AMENDMENT TO THE FRESNO MUNICIPAL CODE TO ALLOW MIXED USE DEVELOPMENTS SUBJECT TO A CONDITIONAL USE PERMIT (CUP) - COUNCILMEMBER DUNCAN

Briefly reviewed by Councilmember Duncan who stated this amendment would provide options such as people being able to live above their businesses.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the City Attorney and appropriate staff directed to prepare an amendment to the Fresno Municipal Code to allow mixed use developments subject to a conditional use permit (CUP), by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5C) PROPOSED APPOINTMENTS OF EDWARD KOWALCZYK TO THE COMMISSION ON THE STATUS OF WOMEN AND PAT BARR TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER CALHOUN

(3 - 0) On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the proposed appointments of Edward Kowalszky to the Commission on the Status of Women and Pat Barr to the Human Relations Commission introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5D) REQUEST CITY MANAGER TO PREPARE A LETTER TO THE NATIONAL BASKETBALL ASSOCIATION INFORMING THEM OF FRESNO'S INTEREST IN DEVELOPING A (LEAGUE) TEAM - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian noted the City would be losing the Fresno State basketball team and stated the success of the Fresno Falcons and Grizzlies showed there was support, and made a motion to approve his request. Councilmember Duncan commended Councilmember Boyajian for his leadership and stated everyone should work hard to make this happen.

On motion of Councilmember Boyajian, seconded by Councilmember Quintero, duly carried, RESOLVED, the City Manager requested to prepare and send a letter to the National Basketball Association informing them of Fresno's interest in developing a team here, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5F) * RESOLUTION NO. 01-64 - 105TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$4,000 FROM DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE CESAR E. CHAVEZ DAY CELEBRATIONS - COUNCILMEMBER QUINTERO

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-64 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:30 A.M.) HEARING ON REZONING APPLICATION NO. R-00-29 AND ENVIRONMENTAL FINDINGS, FILED BY SAM LUCIDO, PROPERTY LOCATED ON THE WEST SIDE OF N. WHITNEY BETWEEN E. NORWICH AND E. INDIANAPOLIS AVENUES

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. T-4971, R-00-28, DATED NOVEMBER 16, 2000

2. BILL NO. B-27 - ORDINANCE NO. 01-23 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A TO R-1

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Lewis briefly reviewed the staff report as submitted, recommended approval, and along with applicant representative Gary Giannetta, responded to questions of Councilmember Castillo relative to the sound wall, agreement between Caltrans and the applicant, and ensuring the wall is constructed prior to residents moving in. Councilmember Castillo made a motion to approve staff's recommendation with the condition that the wall be completed before residents move in whereupon City Attorney Montoy clarified that was already a condition being recommended by staff. Councilmember Calhoun concurred with Councilmember Castillo's concerns and briefly commented on freeway upgrades and the noise and pollution problems that result.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the mitigated negative declaration for Environmental Assessment No. T-4971, R-00-29 hereby approved, and the above entitled Bill No. B-27 Rezoning the subject property to become effective for any portion of the site for which a final map of Vesting Tentative Tract No. 4971 is recorded, adopted as Ordinance No. 01-23, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5G) DIRECT THE CITY MANAGER TO HAVE CO-MANAGERS FOR BONDS THAT ARE SOLD FOR THE DOWNTOWN MULTIPURPOSE STADIUM - COUNCILMEMBER BOYAJIAN

1. ESTABLISH A COUNCIL ADVISORY COMMITTEE TO ASSIST IN SELECTING THE COMPANIES FOR THE BONDS

Councilmember Boyajian deferred the first part of his item to the City Attorney, and relative to the second part stated he felt an advisory committee was needed to see how things were going and questioned if there was any interest in forming such a committee. Councilmember Ronquillo concurred and stated Council should be proactive in the process particularly to ensure the process was competitive and explained. Interim City Manager Souza clarified a competitive process was undertaken per Council direction, and relative to an advisory committee advised there was already an advisory committee that met every Wednesday and Council was welcomed to attend those meetings. Councilmember Duncan suggested the Council budget committee be redefined as a financial oversight committee with one member participating in the weekly meetings. Upon question of President Perea, Councilmember Boyajian stated that was acceptable and he would take the lead as the Council liaison at the advisory committee meetings. Councilmember Ronquillo stated the financial oversight would go beyond the stadium project to any bonding that will take place in the future and explained. Upon question of Councilmember Boyajian, City Attorney Montoy stated her office would work together with the Controller and City Manager to meet with the Budget/Finance committee on bonding future projects.

Barbara Hunt, 944 "F" Street, spoke to the issue.

No action was required and there was no further discussion.

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(5H) DIRECT STAFF TO CONVERT ALL SOLID WASTE CUSTOMERS TO THREE (3) CART ALLEY SERVICE BY MARCH 22, 2001, FOR THE AREA BOUND BY VENTURA, TULARE, FIRST AND CEDAR AVENUES - COUNCILMEMBER QUINTERO

1. DIRECT STAFF TO NOTIFY ALL INVOLVED CUSTOMERS PRIOR TO CONVERSION, WITH DISTRICT 5 OFFICE TO BE KEPT INFORMED OF THE PROGRESS

Councilmember Quintero stated he was working in coordination with the city manager on the issue and made a motion to direct staff as outlined, which motion was seconded and acted upon after brief discussion on whether there would be an increased cost and who would bear that cost, with Interim City Manager Souza responding to questions.

Councilmember Quintero advised the affected homeowners' associations were willing to pay for any increased costs and upon question, Councilmembers Boyajian and Quintero did not accept that as part of the motion. Councilmember Boyajian stated northeast Fresno was being subsidized all the time and it was ridiculous if older neighborhood could not be. President Perea stated his district residents had converted to curbside service 100% and it would not be fair for them to pay for alley service for others. Mr. Souza stated he would provide a tray item on the cost and all pertinent information needed for Council to make any decision. Councilmember Ronquillo stated if only 3% of the entire City was going to have alley service the cost should be spread across the city like the surface water treatment plant.

On motion of Councilmember Quintero, seconded by Councilmember Boyajian, duly carried, RESOLVED, staff directed to convert all solid waste customers the area bound by Ventura, Tulare, First and Cedar Avenues to three (3) cart alley service by March 22, 2001, and to notify all involved customers prior to the conversion, with District 5 office to be kept informed of the progress, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo
noes	:	Perea
Absent	:	None

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(10:45 A.M.) HEARING ON REZONING APPLICATION NO. R-00-46 AND ENVIRONMENTAL FINDINGS, FILED BY NATIONAL FARM WORKERS SERVICE CENTER, INC., PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. CORNELIA AND W. DAKOTA AVENUES

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. T-4983, R-00-46, DATED JANUARY 17, 2001
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Lewis briefly reviewed the staff report as submitted and recommended approval.

Speaking to the issue and/or expressing concerns with the lack of infrastructure were: Pat Gordon, 4632 W. Flint Way; Don Mendrum, 3409 N. Cornelia; Barbara Hunt, 944 "F" Street; and Linda Kurakowa, 4622 W. Flint Way.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Boyajian reviewed the background of the subject site, the surrounding properties, traffic problems and a traffic study he conducted, expressed his concern with the lack of sidewalks/infrastructure, stated he wanted to see mitigation efforts stressing safety was at issue, recommended staff work with Fresno County and the school districts to provide the needed infrastructure and mitigation measures, and presented questions relative to the traffic count at Ashlan/Cornelia, **(4 - 0)** the two nearby schools and safety of students, if any suggestions made by the speakers could be implemented, and the result/outcome of UGM fees collected for all the new development that has occurred in the area. Brief discussion ensued with Councilmembers Ronquillo and Castillo commenting on the issue and stating their positions. Councilmember Quintero requested an accounting on UGM fees collected and what they were expended on.

Councilmember Boyajian stressed issues of concern needed to be alleviated before they became real problems and made a motion to continue the matter 30 days to allow further discussions on the issues.

On motion of Councilmember Boyajian, seconded by Councilmember Castillo, duly carried, RESOLVED, the hearing on R-00-46 filed by National Farm Workers Service Center, Inc., continued to March 27th at 10:45 a.m. to allow for additional discussions between staff, the developer, the school district, Fresno County and neighborhood residents on area concerns and mitigation measures, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(11:00 A.M.) HEARING ON CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-00-234 AND ENVIRONMENTAL FINDINGS, FILED BY FRESNO COMMUNITY HOSPITAL AND MEDICAL CENTER, PROPERTY LOCATED AT THE NORTHEAST CORNER OF E. DIVISADERO AND N. CLARK STREET

1. CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. C-00-234, DATED JANUARY 9, 2001

2. RESOLUTION NO. 01-65 - APPROVING CUP NO. C-00-234

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Calhoun recused himself from the proceedings due to a potential conflict of interest and left the meeting at 11:23 a.m. Planning Manager Beach reviewed the staff report as submitted and a motion and second was made to approve staff's recommendation.

Speaking to the issue were: Barbara Hunt, 944 "F" Street; and Dr. Hinton, representing Community Medical Center (CMC), who stated he was pleased with the progress being made and urged approval, advised CMC accepted the conditions of approval, and along with Traffic Engineering Technician Madewell and Mr. Beach responded to questions relative to CMC's energy plan, plans for traffic improvements at Divisadero and Freeway 41 north entry, and hospital shift changes as a traffic mitigation measure. Councilmember Boyajian commended CMC for all their work and on their vision for the area.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the finding that the impacts of this project are less than those adverse impacts identified within previous environmental assessments completed for the Regional Medical Center hereby accepted, the negative declaration for Environmental Assessment No. C-00-234 approved, and the above entitled Resolution No. 01-65 hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	Calhoun

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(11:15 A.M.) CONTINUED HEARING ONE ZONING APPLICATION NO. R-00-036 AND ENVIRONMENTAL FINDINGS, FILED BY COLBURN THOMASON, PROPERTY LOCATED AT THE EAST SIDE OF N. VAN NESS BOULEVARD BETWEEN W. ALLUVIAL AND THE SAN JOAQUIN RIVER BLUFFS

1. CONSIDER AND ADOPT NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. T-4959, R-00-36, C-00-218

2. BILL NO. B-28 - ORDINANCE NO. 01-24 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-EH/BP/UGM TO R-1-A/BP/UGM AND R-1-1/UGM

Councilmember Calhoun returned at 11:33 a.m. President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Lewis reviewed the staff report as submitted and recommended approval.

Speaking to the issue were: Barbara Hunt, 944 “F” Street; Mike Thomason, 7090 N. Marks #102, representing his family on the project, support of staff’s recommendation; and Richard Fairbank, on behalf of nearby property owner Dwayne Zinkin, who requested estate size lots and revisions to front- and side-yard setbacks on some of the lots, using a map to illustrate.

Councilmember Ronquillo stated he wanted to see a compromise on lot sizes and made a motion to approve the project with the reduction in lot sizes as requested by Mr. Fairbank, which motion was seconded by Councilmember Quintero. Councilmember Calhoun stated his perspective, as the area representative, may have helped with the motion if he had been allowed to speak first, whereupon Councilmember Ronquillo withdrew his motion. Councilmember Calhoun made a motion to approve staff’s recommendation (which was seconded by Councilmember Duncan), stated the matter had been continued a couple of times already and a lot of time had been spent on it, noted the project was opposed by one person at the planning commission hearing and was supported by the Bullard Implementation Committee, and stated he was troubled with the 11th hour meeting requested by Mr. Zinkin and the issues just raised noting the proper procedure should have been followed and concerns addressed a long time ago.

Mr. Thomason responded to questions of Councilmember Boyajian relative to negotiations with Mr. Zinkin and other issues of concern to him, and the price range of homes to be constructed. Councilmember Duncan concurred with Councilmember Calhoun stating he, too, had a concern with the 11th hour effort of Mr. Zinkin. Mr. Fairbank responded to questions of Councilmember Quintero relative to the fire access gate no longer being an issue, number of lots being proposed and number requesting setbacks on. Mr. Fairbank clarified issues relative to “11th hour” comments made stating Mr. Zinkin wanted to attend this date but as unable to and explained, and advised negotiations between Mr. Zinkin and the developer continued to as late as last Friday and Mr. Zinkin had requested a continuance at that time.

Continued speakers speaking in support of the project were: Robert Johnson, 2352 W. Bluff; and Craig Siebert, 1744 W. Pinedale.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Ronquillo noted requests for last-minute emergency meetings were not unusual, stated the requests for setbacks should be accommodated for those residents already living in the area, and reiterated his previous motion and offered it as an amendment for a decrease in the number of lots and the requested setbacks for six of those lots. Mr. Thomason stated any revisions would require going back through the CUP process. Upon question of President Perea, Councilmember Calhoun stated he would not accept the proposed amendment.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. T-4959, R-00-036, C-00-218 hereby approved; and the above entitled Bill No. B-28 rezoning the subject property to become effective for any portion of the site for which a final map of Tentative Tract No. 4959/UGM is recorded adopted as Ordinance No. 01-24, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
Noes	:	Quintero, Ronquillo
Absent	:	None

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SCHEDULED CLOSED SESSION ITEMS ANNOUNCED (5 - 0)

President Perea announced the matters set for closed session and advised Council would convene in closed session after the lunch recess. Councilmember Ronquillo left at 12:00 p.m.

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(3A) PROPOSED APPOINTMENT OF BILLY CARTER TO THE FRESNO-MADERA AREA AGENCY ON AGING BOARD - MAYOR AUTRY

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the appointment of Billy Carter introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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LUNCH RECESS - 12:02 P.M. - 2:00 P.M.

(2:00 P.M.) CLOSED SESSION:

(“A”) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - EMPLOYEE ORGANIZATIONS:

1. CITY OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (CFMEA)
2. CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA)
3. FRESNO POLICE OFFICERS ASSOCIATION (FPOA) POLICE MANAGEMENT
4. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 100 (IBEW)
5. STATIONARY ENGINEERS, LOCAL 39

(“B”) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

1. TOSSIE BENNETT V. COF, ET AL.
2. THREE CLAIMS OF BARBARA HUNT V. COF

(“C”) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAMES:

1. CLAIM OF ELWOOD KREUTER
2. VELLUNTINI CORPORATION DBA VELCOR V. CITY, ET AL

(“D”) CONFERENCE WITH LEGAL COUNSEL - FRIEND-OF-THE-PARTICIPATION - GOVERNMENT CODE SECTION 54954.2, SUBSECTION (a) - CASE NAME: FLYING DUTCHMAN PARK, INC. V. CITY AND COUNTY OF SAN FRANCISCO - COUNTY SC NO. A092504

The City Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above issues and reconvened in regular open session at 2:51 p.m. Councilmember Ronquillo arrived later.

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(5E) REPORT FROM DEVELOPMENT DIRECTOR ON STATUS OF USED CAR DEALERSHIP PERMITTING PROCESS - COUNCILMEMBER CALHOUN AND PRESIDENT PEREA

1. DIRECT STAFF TO PREPARE AND INITIATE A ZONING ORDINANCE AMENDMENT REQUIRING CONDITIONAL USE PERMITS (CUP's) FOR AUTO DEALERSHIPS
2. DIRECT CITY ATTORNEY TO PREPARE INTERIM CONTROLS AS AN URGENCY MEASURE (INTERIM MORATORIUM) PROHIBITING THE APPROVAL OF ADDITIONAL AUTO DEALERSHIPS PENDING ADOPTION OF A ZONING ORDINANCE AMENDMENT REQUIRING A CUP, *AS MODIFIED*

Councilmember Calhoun gave a brief overview stating this was not an attempt to discourage anyone from doing business in Fresno, noted the number of dealerships, the way cars were displayed, how properties looked and whether some were in compliance had become concerns, noted the amendment would allow Council to look at what currently existed and make changes if necessary to make Fresno more attractive, and shared photographs of various car lots with Council.

Development Director Yovino reviewed the history/background of the issue at length including what had come up over the last couple of years, what the code currently allowed for, and number of applications process yearly, confirmed there had been some problems with owner/operators not complying with landscaping setbacks and explained, stated most car dealers were in compliance, and responded to questions of Councilmembers Duncan and Quintero relative to timeline to process the text amendment, number of applications currently going through the process, if the amendment would enhance code enforcement efforts, and including the Used Auto Dealers Association in the process.

Councilmember Calhoun further elaborated on the photographs which showed small parcels were a large part of the problem, confirmed he would want input from all interested parties, and made a motion to direct staff as outlined in #1 above. Councilmember Duncan stated he could not support #2 due to applications currently in the process and the amount of money applicants had expended thus far.

On motion of Councilmember Calhoun, seconded by President Perea, duly carried, RESOLVED, staff directed to prepare and initiate a zoning ordinance amendment requiring conditional use permits (CUP's) for auto dealerships, by the following vote:

Noes : None
Absent : None

Councilmember Calhoun made a motion to approve direction outlined in #2 above, *with a modification to exclude any applications currently in the permitting process*. City Attorney Montoy advised what an emergency measure would provide for and that findings would have to be made to adopt such a measure, stated staff could include a provision that existing businesses would fit into the hardship exception, and advised staff would need time to determine what findings could be made for immediate threats to health and safety.

President Perea stated he wanted it made clear that the intent of the direction was to cut off any new applications after Council's vote this date, with Ms. Montoy stating her office would have to research the legality of that. Councilmember Ronquillo left the meeting at 3:13 p.m.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the City Attorney directed to prepare interim controls as an urgency measure (interim moratorium) prohibiting the approval of additional auto dealerships, *excluding those applications currently in the permitting process*, pending adoption of a zoning ordinance amendment requiring a CUP, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes : None
Absent : Ronquillo

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(3:00 P.M.) CONTINUED HEARING TO CONSIDER ADOPTION OF STORM DRAINAGE AND FLOOD CONTROL MASTER PLAN COST SCHEDULE AND FEES

1. RESOLUTION NO. 01-66 - IMPLEMENTING THE STORM DRAINAGE AND FLOOD CONTROL MASTER PLAN COST SCHEDULE AND FEES FOR EACH LOCAL DRAINAGE AREA FOR ALL DEVELOPMENT WITHIN THE JOINT AREAS OF THE CITY OF FRESNO AND THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

2.* RESOLUTION NO. 01-67 - 379TH AMENDMENT TO MFS RES. 80-420 INCORPORATING THE SCHEDULE OF FEES AS ADOPTED BY THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

President Perea announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution Nos. 01-66 and 01-67 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes : None
Absent : Ronquillo

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Councilmember Ronquillo returned to the meeting at 3:16 p.m.

(3:15 P.M.) PRESENTATION BY JERRY WOLFF, GARDNYR MICHAEL CAPITAL LEASING (GMCL), REGARDING A DOWNTOWN PARKING STRUCTURE - ACTING PRESIDENT RONQUILLO AND COUNCILMEMBER BOYAJIAN

1. REQUEST CITY MANAGER TO DIRECT STAFF TO MEET WITH GARDNYR MICHAEL CAPITAL LEASING TO REVIEW THE PROPOSAL AND RETURN WITH A REPORT AND RECOMMENDATION

Councilmember Ronquillo reviewed the issue, stressed the City was in dire need of downtown parking and he felt Fresno needed to do what other cities had done and provide that parking, and stated based on presentations by GMCL he felt a non-profit private-public sector partnership was probably the best way to go and added maybe the County and State would be willing to participate. Councilmember Boyajian stated GMCL's presentation was really great and showed how the City could leverage different monies and stressed downtown parking was needed to bring business back downtown.

Jerry Wolff, GMCL, stated they specialized in public financing, bringing together public/private partnerships, and parking structures and explained their proposal.

Bill Frances, Managing Principal, Burbank Office of Walker Parking Consultants, explained the importance of a feasibility and demand study and what it would entail.

Interim City Manager Souza, Mr. Wolff and Mr. Frances responded to questions of President Perea and Councilmembers Castillo and Ronquillo and/or clarified issues relative to the City's relationship with Amco and if there had been any other proposals resulting from studies already conducted that would do similar type of work being proposed this date, number of parking structures constructed by GMCL, if there were any cost overruns to the cities, terms and debt service, cost for parking surveys and timeline to conduct same, surveying the downtown area as it affects the public entities located here and sharing in the survey cost, and the facility being deeded back to the City at the end of the 25-year term and payoff of bonds. Councilmember Calhoun stated he liked what he was hearing but his only concern was due-diligence and ensuring other competitors were given a chance. Councilmember Duncan commended Councilmember Ronquillo's leadership and stated he wanted the scope to include the entire downtown area and not just one parking site, and also to involve the State and County and address the issue on a broader scale. A motion and second was made to approve direction as outlined above.

Mr. Souza addressed comments made stating staff was working with the Redevelopment Agency on a comprehensive parking approach, noted he had preliminary discussions with Senator Costa and the County and they would be part of the process, and stated staff would return with an overall approach on how to pull everything together.

Councilmember Ronquillo stressed the City had been dealing with the issue for six years with no progress at all, and stated the downtown area was evolving quickly and the City needed to move forward incrementally one way or another even if it had to set an example for the county and state. Upon question, Mr. Souza stated he would meet with GMCL within the next two weeks **(6 - 0)** and Council would be kept apprised of the progress.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the City Manager requested to direct staff to meet with Gardnyr Michael Capital Leasing to review the proposal and return with a staff report and recommendation, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(3C) APPROVE AMENDMENT TO THE AGREEMENT WITH MONTGOMERY WATSON AMERICANS FOR DESIGN SERVICES IN SUPPORT OF THE FRESNO SURFACE WATER TREATMENT FACILITY PROJECT

Interim Public Utilities Director McIntyre advised of minor modifications to the staff report relative to joint satisfaction of any outstanding claims and to the contract review and award process time schedule.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the amendment to the agreement with Montgomery Watson Americans for design services in support of the Fresno Surface Water Treatment Facility Project hereby approved, and the Public Works Director authorized to sign the amendment on behalf of the City subject to City Attorney approval as to form, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(3:30 P.M.) RESOLUTION NO. 01-68 - SUPPORTING IN-HOME SUPPORTIVE WORKERS AND AB 1682 - PRESIDENT PEREA

A motion and second was made to adopt the resolution. President Perea stated he saw this as a city issue as a lot of the care given to the elderly and frail in our community happened in the confines of the city of Fresno, commended Fresno County for giving the 3% increase, and commended the home supportive workers for all they did day in and day out.

Thanking Council for the recognition and speaking in support of the issue were: Pam Whalan; Lee, a home-care recipient; a gentleman originally from Cambodia whose blind son received home-care; and Maria Goudelay, 5041 E. Thomas, home-care worker.

Councilmember Duncan stated although he appreciated all the work of home care workers he could not support the resolution as he did not believe City government had a role in getting involved in union issues.

Continued speakers in support were: Maxine Bell, 2698 S. Clara; Nancy Marsh, 98 N. Echo; and Mariana Annie Durrazo, who passed out T-shirts to the City Council.

Councilmembers Boyajian, Ronquillo, Calhoun and Castillo commented on the issue and/or resolution and commended the home care workers for all the work they did.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No.01-68 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes : Duncan
Absent : None

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CLOSED SESSION ANNOUNCEMENT:

City Attorney Montoy announced in the matter of Item **2:00 P.M. B-2**, three claims of Barbara Hunt, the Council voted 6-0, with Councilmember Quintero absent, to deny all three claims.

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(3B) AWARD A CONTRACT FOR STRUCTURAL STEEL FOR THE DOWNTOWN SPORTS STADIUM

Councilmember Duncan spoke to the issue of staff determination that W&W Steel was a non-responsive bidder, stated it seemed like they were highly qualified citing the 113 projects they listed, questioned why staff felt they did not meet the experience requirement, and stated it seemed like they were rejected on a technicality due to non-listing of dates and he found W&W Steel to be responsive and qualified bidders, with Purchasing Manager Taggart and City Attorney Montoy responding to questions and clarifying bid provisions.

Ms. Montoy responded to questions of Councilmember Castillo and clarified issues relative to W&W Steel and addendum #4 and other basis for staff deeming them non-responsive. Councilmember Castillo stated his concern was W&W Steel had the ability to possibly gain a \$2 million contract yet they did not bother to show up to appeal or respond in any way and questioned their ability to be responsive if they awarded this fast-track project contract, and made a motion to approve Option 1 of the City Attorney memorandum for S&S Steel. Councilmember Calhoun spoke in opposition to the motion and in support of Option 2.

Ms. Taggart and Ms. Montoy responded to questions, comments and/or concerns of Councilmember Boyajian relative to what staff looked for in bid projects such as this, if staff felt W&W Steel had any unfair advantage, if quality of work was more important than bid responsiveness, W&W being responsible, litigation with the airport project and the San Diego contractor, obtaining temporary restraining orders, essence of the subject contract, competitive bidding being onerous, and if W&W would have any legal recourse for being determined non-responsive. Councilmember Boyajian stated he felt it was in the public's best interest to support Option 2 and he felt W&W Steel was a responsible bidder.

Ms. Montoy, Interim City Manager Souza and Ms. Taggart responded to questions and/or concerns of Councilmembers Quintero, Castillo and Ronquillo and/or clarified issues relative to the legal significance of a failure to respond finding, which option would create the least amount of delay, concerns with delays, possibility of rejection of all bids if this had not been a fast-track project due to problems with all the bids, **(7 - 0)** considering the basic rule of competitive bidding as contained on Page 3 of a memorandum from Steven Churchwell to the City Attorney, setting a precedent if the City accepted any bid that did not meet requirements, and timeframe to fast-track the project again if bids were rejected. President Perea stated everyone was working against a tight timeframe due to prior direction given and stated although he, too, had a concern with spending \$400,000 more he felt a much greater risk was to delay the project and stressed it critical to move forward.

A motion of Councilmember Castillo, seconded by President Perea, to approve City Attorney Option 1 to accept and affirm the Hearing Officer's decision, find S&S Steel Fabrication to be the lowest responsive and responsible bidder, and award the contract to S&S Steel Fabrication subject to all contingencies for award set forth in the bid specifications failed, by the following vote:

Ayes	:	Castillo, Quintero, Perea
Noes	:	Boyajian, Calhoun, Duncan, Ronquillo
Absent	:	None

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, after review and consideration of this matter, including the administrative record and testimony submitted this date, the Hearing Officer's decision as to Mountain States hereby accepted and affirmed; the Hearing Officer's decision as to W&W Steel Company rejected; deviations in the bid of W&W Steel Company are found to be minor and inconsequential irregularities and are hereby waived; and W&W Steel Company is found to be the lowest responsive and responsible bidder and a contract for structural steel for the Fresno downtown sports stadium hereby awarded to W&W Steel Company in the amount of \$1,900,000.00 subject to all contingencies for award set forth in the bid specifications, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Ronquillo, Perea
Noes	:	Castillo, Quintero
Absent	:	None

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DIRECT STAFF TO SCHEDULE ON THE MARCH 6TH AGENDA AT 11:30 A.M.: GRANTING FINANCIAL FLEXIBILITY IN NEGOTIATING THE SALARY OF THE CITY MANAGER - PRESIDENT PEREA

President Perea advised the selection of a city manager was closer and requested Councilmember Duncan, as the Agency Chair, work with the Council President and Mayor on the final selection.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 4:28 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the _____ day of March, 2001.

_____ ATTEST: _____	
Henry Perea, Council President	Yolanda Salazar, Assistant City Clerk